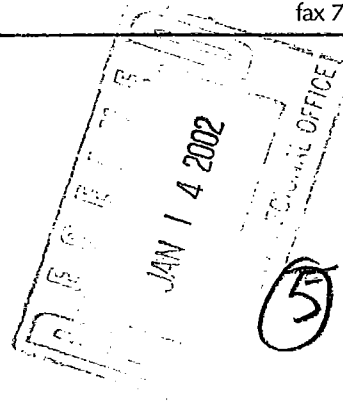




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Woodstock, Georgia 30189  
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January 10, 2002

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Ben Barnes  
North Carolina Department of Environment and Natural Resources  
Raleigh Regional Office  
The Division of Waste Management  
1628 Mail Service Center  
Raleigh, North Carolina 27699-1628

Re: Swift Creek CCB Structural Fill  
Highway 301, Nash County

Dear Mr. Barnes:

I am in receipt of your letter dated December 19, 2001 respecting the above project. That letter requests ReUse to submit a plan, a list of corrective measures and a schedule that "will result in this facility being brought into compliance with the November 11, 1991 agreement."

ReUse believes that the current construction of this project is substantially in compliance with our November 1991 submittal. It is correct that minor changes have been made from time to time which have resulted in a project which now differs slightly from that which was proposed in 1991. Some changes were made early in the construction phase and have been in place for more than ten years. Other changes were made as part of our ongoing operations. These were done in conjunction with inspections and observations by the Division of Waste Management in response to complaints, and only after consulting with the Division.

In short, ReUse thought that the Division of Waste Management was informed in advance of, and had agreed with, the activities that resulted in the current project configuration. In our view, any differences between our as built conditions and the 1991 plan submittal were agreed to by both parties to the 1991 agreement, or were obviated by our purchase of adjoining property, and do not now result in a need for modifications.

Each of the findings mentioned in your December 19, 2001 letter are addressed below.

1. The footprint of the ash application in the southeast corner of the site (at the property line) has been enlarged.

The plans submitted in 1991 show fill to the subject property line. The text of the submittal package also identifies the property line setback requirement as "100 feet between application area and property lines unless permission is first obtained from adjacent property owners." ReUse Technology, Inc. has purchased the adjacent property. Therefore all requirements of the 1991 submittal have been met.

2. The 25-foot setback from Highway 301 is referenced to the centerline of the highway when it should be from the edge of the right-of-way, which is controlled by the property owner.

The regulations do not state that "property line" means the limit of owner-controlled property. ReUse Technology, Inc. reserves the right to fill within rights-of-way when appropriate approvals have been obtained from the owners of the right-of-way. However, for this project, we have complied with the Division's request and modified our construction plans to move the CCB fill limit to 25 feet away from the Highway 301 right-of-way. These plans were submitted to Mr. William Hocutt on December 11, 2001.

3. The elevations for the site are six feet (6') higher on the 8/15/01 Appian CE-1 construction plan than those shown on the 11/15/91 revision to the RT Development Company construction Grading Plan (No. 4 of 7) submitted and approved by the Division on December 3, 1991.

The site elevations to the north of the former property line do differ from the 1991 submittal. However, these elevations represent the as-built condition of the site, which the Division has inspected and reviewed many times during several years of site construction. As a result of a neighbor complaint in 1997, the Division made a complete review of all operations at the site. At that time, modifications to the project, which have resulted in the additional elevation, and the addition of berms and plantings, were made with the full knowledge and approval of the Division. The Division has made several inspections since that date. Our fill operations have continued based on our communications with the Division.

We are now finishing the work on this site by covering the CCB fill with eighteen inches of earth, exceeding the six inches required by the 1991 agreement. To remove the earth and CCB fill will needlessly extend the project.

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4. The original plan shows the wetland feature being protected by a buffer. The Appian CE-1 Plan shows the wetland feature to be piped under the ash fill.

This modification was completed in 1992 in full compliance with the U.S. Army Corps of Engineers regulations, which were in effect at the time. Again, the Division has reviewed the project repeatedly since the change was made. Excavating the area would serve no purpose.

5. Ash has been placed, without any setback, all the way to the adjoining property line. These properties must be treated as separate tracts even if both are owned by the same person. The property must be re-deeded to eliminate the property line if ash application is to extend to that limit.

As discussed in number 1 above, the 1991 approval shows fill to the property line and allows for fill within the 100-foot setback if the adjacent property owner grants permission. Since ReUse is the adjacent property owner, we are in compliance with the 1991 agreement.

We also realize that the CCB regulations require a 25-foot setback from property lines. As stated in the December 11, 2001 notification package, we have already made the commitment to re-deed the property to a single deed.

As stated previously, we submitted a 30-day notice for the expansion of this project on December 11, 2001. If you wish to discuss these points in connection with our plans to begin work on this expansion, please call me at (770) 517-7017.

Sincerely,



Robert J. Waldrop  
Vice President